

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LEONARD C. JEFFERSON,
Plaintiff,

v.

'06 OCT 31 P12:06 C.A. NO. 04-44 ERIE

WILLIAM WOLFE, et al.,
Defendants.

U.S. DISTRICT COURT

PLAINTIFF'S FOURTH REQUEST FOR JUDICIAL NOTICE

AND NOW comes Plaintiff LEONARD C. JEFFERSON, pursuant to Rule 201, Fed.R.Civ.P., and respectfully ask this Honorable Court to take judicial notice of the following:

1. The 05/15/06 MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION and the 07/11/06 MEMORANDUM ORDER both identify the reasonableness test of TURNER v. SAFLEY, 482 U.S. 78, 89 (1987) as being the standard of review for Plaintiff's Establishment Clause and free exercise claims.
2. The free exercise claims in this case do not involve any issues that are related to either the security of or the orderly operation of any PA DOC facility, and therefore,
3. the least restrictive means test of the RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000 (RLUIPA), 42 U.S.C.A. § 2000cc is the appropriate standard of review for the free exercise claims in this case.
4. Each of the ten (10) Affirmative Defenses stated in DEFENDANTS' ANSWER TO PLAINTIFF'S THIRD AMENDED COMPLAINT (Doc. # 86) (at Section E; Prayer for Relief) fail to comply with the "short and plain notice" requirement of Rule 8, Fed.R.Civ.P..

WHEREFORE Plaintiff respectfully asks this Honorable Court to take Judicial Notice of the foregoing.

Respectfully submitted

Leonard C. Jefferson

Leonard C. Jefferson, CL-4135
10745 Rt. 18

Albion, PA 16475-0002

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing PLAINTIFF'S FOURTH REQUEST FOR JUDICIAL NOTICE has been placed in the mailbox on F/B Unit at SCI-Albion, on this 29th day of October 2006, for delivery by first class U.S. mail to:

Mary L. Freidline
Senior Deputy Attorney General
Office of Attorney General
6th Floor, Manor Plaza
564 Forbes Avenue
Pittsburgh, PA 15219

Leonard C. Jefferson
Leonard C. Jefferson, CL-4135
10745 Rt. 18
Albion, PA 16475-0002

FILED

'06 OCT 31 P12:06

CLERK
U.S. DISTRICT COURT

LEONARD C. JEFFERSON

CL-4135

10745 RT. 18

ALBION, PA 16475-0002

OCTOBER 29, 2006

CLERK'S OFFICE
U.S. DISTRICT COURT
P.O. Box 1820
ERIE, PA 16507

RE: JEFFERSON V. WOLFE, ET AL., C.A.ND. 04-44 ERIE

DEAR CLERK:

PLEASE FILE THE ENCLOSED PLAINTIFFS FOURTH REQUEST
FOR JUDICIAL NOTICE IN THE ABOVE-CAPTIONED ACTION.

THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

RESPECTFULLY

Leonard C. Jefferson